IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.2356 OF 2005

Kadir Ramzan Inamdar ..Petitioner

Vs.

Inaytulla Ramzan Inamdar
and Ors. ..Respondents

....

Mr.Uday Prakash Warunjikar for Petitioner

....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 8,2005

P.C.:

1. Heard Mr.Warunjikar, the learned counsel for the Petitioner. It is submitted that order dated 29.3.2005 below Exhs.Nos.91, 103, 115 and 118 in R.D. No.25 of 2002 passed by the learned Civil Judge J.D.Karad has widened the scope of the compromise decree as well as the consent terms which were accepted by this Court in W.P.No. 3053 of 2004. This submission is based on the observations made in para 8 of the said order wherein in the bracketed portion, the area of the operation of letters 'HIJK' is mentioned 786 sq.ft. The sketch placed on the record and which is not disputed, was very much part of the compromise decree shows the area of the portion marked covered by letters 'HIJK' admeasuring

129.60 sq. mts.

2. This petition therefore, can be disposed of by directing that the decree and execution warrant shall be implemented strictly as per the compromise decree and the consent terms before this Court in W.P.No. 3053 of 2004 and there shall be no violation.

3. Petition disposed of in terms of the above directions.

[B.H.MARLAPALLE,J.]